

CHAPTER NO. 323

HOUSE BILL NO. 1402

By Representatives Westmoreland, McKee

Substituted for: Senate Bill No. 1680

By Senators Fowler, Clabough

AN ACT to amend Tennessee Code Annotated Section 40-28-122, relative to parole revocation hearings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE,

SECTION 1. Tennessee Code Annotated 40-28-122 is amended by adding the following as new subsection(c) and renumbering the subsequent sub-sections accordingly:

(c) A laboratory report regarding a parolee's drug test may be admissible in any parole revocation proceeding, even though the laboratory technician who performed the test is not present to testify, when accompanied by an affidavit containing at least the following information:

(1) The identity of the certifying technician;

(2) A statement of qualifications from the certifying technician;

(3) A specific description of the testing methodology;

(4) A statement that the method of testing was the most accurate test for this particular drug;

(5) A certification that the results were reliable and accurate;

(6) A declaration that all established procedures and protocols were followed; and

(7) A statement of acknowledgment that submission of false information in the affidavit may subject the affiant to prosecution for the criminal offense of perjury pursuant to Tennessee Code Annotated 39-16-702.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 21, 2001

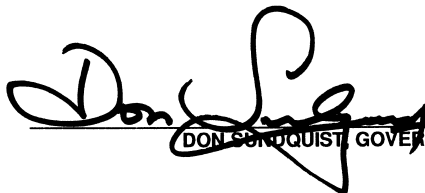


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 30th day of May 2001



DON SUNDQUIST, GOVERNOR